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with approval of both majority and minority leaders. (Sen. Magnuson suggests July 31; Sen. Ellender suggests May 31.) Unanimous consent agreement.

#### V. Appropriations

Commence action on appropriations without waiting for House action, including mark-up subject to revision when House measures are received, to enable the earliest possible conferences after both bodies have acted. Permissible under present rules through establishment of Appropriations Committee policy.

PART II—ITEMS UPON WHICH NO GENERAL CONSENSUS HAS YET BEEN SOUGHT—SINCE THEY ARE NOT ENTIRELY VOLUNTARY

*Voluntary agreements re monitoring, presence of Senators on floor and in Washington, reading prepared speeches, and reduction of number of roll calls*

Seek agreement by as many Senators as possible to:

1. To the degree desired by the Leadership, assume monitoring responsibilities and assignments for fulfillment of revisions in Senate procedure and otherwise expediting Senate work (such as objecting to exceptions to 3-minute rule in Morning Hour, violations of Pastore Rule, etc.). Voluntary.

2. Agree to stay on Senate Floor on a regular basis during consideration of bills upon which limitation of debate has been agreed to. Voluntary.

3. Agree to stay in Washington on a regular basis when Senate is in session, restricting absences as much as possible to the Wednesday-night-to-Monday-morning recess at the end of each month. Voluntary.

4. Agree to minimize the reading of prepared speeches on Senate Floor during consideration of bills upon which limitation of time has been agreed to. Voluntary.

5. Agree to restraint in requesting roll calls, and to restraint in providing sufficient second when yeas and nays requested on insignificant matters. Voluntary.

PART III—ITEMS OFFERED FOR CONSIDERATION ONLY, UPON WHICH OPINIONS VARY

#### Other suggestions

1. Authorizations and Appropriations  
a. Observe present 3-day rule on appropriations. Observe present rules.

b. Consider moving toward multi-year authorizations and appropriations where appropriate and feasible. Requires legislation.

c. Explore feasibility of legislation switching from fiscal to calendar year, or to separate budget and legislative sessions. Requires legislation.

#### 2. Quorum Calls

When absence of quorum is suggested when quorum is apparently present, permit presiding officer to stand, count, and declare quorum present, subject to challenge of his ruling. Unanimous consent to waive rule V (2).

#### 3. Morning Hour and Special Orders

a. Recognize Senators in inverse order to amount of time they request. General agreement.

b. If Senator absent when his time arrives, recognize next Senator present and ready to speak; late Senator goes to end of list. General agreement.

#### AUTHORITY FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that until midnight tonight, all committees be authorized to file their reports, including any minority, additional, supplemental, and individual views.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SALE TO AN ALIEN OF THE PASSENGER VESSEL "ATLANTIC"—ORDER TO HOLD BILL AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill (H.R. 16498) to permit the sale to an alien of the passenger vessel *Atlantic* be held temporarily at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CARE OF ANIMALS USED IN RESEARCH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 19846, which has come over from the House.

Without objection, the Presiding Officer (Mr. Spang) laid before the Senate the message from the House of Representatives on the bill (H.R. 19846), an act to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COTTON. Mr. President, as the senior Republican member of the Senate Committee on Commerce since 1963, I have watched with great satisfaction the development of our congressional commitment to the protection and humane treatment of animals.

Public Law 89-544, the act amended by the bill which we are considering today, was considered by the Senate Committee on Commerce and enacted into law in 1968. As one of the Senate conferees on the 1966 bill, and one who has had a continuing interest in this area, I have been pleased by the improvements which have resulted from its enactment. However, I have also been disturbed by the need for further improvement.

It is for this reason that I cosponsored at the request of scores of my constituents and in the interests of considering a more effective means of protection, the bill, S. 2446, introduced by Senator JAVITS. This bill would have amended the Public Health Service Act and placed in the Department of Health, Education, and Welfare the responsibility for developing further standards and providing greater assurance for the humane care, handling and treatment of laboratory animals. After much consideration and a careful examination of the bill just passed by the House, H.R. 19846—previously introduced in the Senate by the Senator from Kansas (Mr. DOLE), as S. 4539—I believe the proposal to retain the responsibility for regulation in the Department of Agriculture with a greater grant of authority from Congress is most commendable and deserving of enactment.

Very briefly, the bill will accomplish the following:

First, it will redefine the term "animal" to include all warmblooded animals designated by the Secretary, greatly expanding its coverage;

Second, it will regulate more of the people who handle animals, including exhibitors and wholesale pet dealers;

Third, it sets forth the basic creature comforts which must be afforded to these animals, including the necessity for the avoidance of pain through appropriate drugs and veterinary care. However, it also recognizes the prerogatives of the medical community and the contributions which these animals are making to the health and welfare of mankind, and in no way authorizes the Secretary to control or interfere with scientific research or experimentation; and,

Fourth, it will strengthen the enforcement powers of the Secretary, thereby contributing to the effectiveness of its administration.

I have been informed that this bill has the support of the groups which have expressed their interest in new legislation, including those who conduct the research, and that it is greatly desired. I would hope that with the endorsement of the Committee on Commerce, and after the most commendable work which has been done by the House Committee on Agriculture, the Senate will see fit to pass it without delay.

Mr. DOLE. Mr. President, H.R. 19846, which has been approved by the House of Representatives, is identical to a bill which I introduced on November 24 in an effort to expedite enactment of this important legislation.

I am impressed by the skill evidenced by the designers of this piece of legislation in resolving differences we have seen in the past between humane animal care groups and the medical research community. I know this has taken many months of hearings and consideration by the House Agriculture Committee to reach this point of agreement and I congratulate all those responsible for their efforts in this regard.

Having served as a House conferee for the dognapping bill of 1966, I fully appreciate the accomplishment of the sponsors of this bill.

While this bill provides for the protection of animals used in research and experimentation, it is not just a laboratory animal bill. It extends humane treatment of animals to wholesale pet dealers, zoos, road shows, circuses, carnivals, and auction markets. When the appropriate regulations are assured by the Secretary of Agriculture, the conditions under which these animals are held and exhibited will be immensely improved. The bill quite properly excludes from its provisions county and State fair livestock shows and such exhibitions as are sponsored by the 4-H clubs which are intended to advance the science of agriculture.

It is recognized that this bill and the regulations to be issued thereunder will require the upgrading of facilities within research laboratories. Our medical schools will find that sizable expenditures may be required for this purpose.





The Secretary has broad authority as to the timing of specific regulations and I am sure that he will allow our medical schools ample time to get ready for compliance. I would hope that full consideration for the needs for added funds for this purpose would be given by the appropriate governmental bodies.

Having reached this point, I do not believe that we should delay any further in approving the bill which we now have before us.

Mr. President, an interesting and informative article appeared in Washington's Sunday Star entitled "More Legal Protection on the Way for Animals Behind Bars." I ask unanimous consent that this article be placed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**MORE LEGAL PROTECTION ON THE WAY FOR ANIMALS BEHIND BARS**

(By Ann Cottrell Free)

The idea behind the proposed Animal Welfare Act of 1970 has been a long time coming into its own—it has been an uphill fight, often resisted by powerful forces—but it looks now as if it may come to a final vote in the closing hours of the 91st Congress.

Its passage will be a tribute to a deepened Congressional ecological conscience. More and more members of Congress are realizing that all living creatures must be treated with decency and respect—regardless of whether they are endangered species roaming in the wild or animals doomed to spend dreary lives behind bars in laboratories or zoos.

There can be little doubt that the passage of the Endangered Species Act one year ago this month and the emphasis in the past year on man's relationship with the earth and all its creatures have had a profound effect on congressional thinking.

The new legislation—which has so many sponsors that this sentence would be consumed by listing them all—has its roots in proposals first made exactly 10 years ago, in 1960. Soon after the 1958 passage of the Federal Humane Slaughter law, humanitarians started laying congressional groundwork to bring some measure of federal supervision over the care and treatment of laboratory animals.

**HUMANILIACS**

The well-funded research explosion was using an unprecedented number of dogs, cats, rodents, primates and a variety of other creatures. Estimates have gone as high as 300 million annually. They were often obtained from questionable sources and treated with less care than the most expendable test tube.

Those persons, who worked for setting standards of care were immediately called anti-vivisectionists or branded as "humaniliacs" by some members of the scientific community. In truth, they were violently opposed by the anti-vivisectionists, who were working for total abolition of animal use.

Thought a number of bills were introduced during those years, they went nowhere. In desperation, humane organizations tried new approaches and often fell to quarreling among themselves as to bill content and strategy. (Most of the bills gave supervisory authority to Health, Education and Welfare.)

But 1965 brought the beginning of a breakthrough. Researchers' demands for dogs and cats had grown so great that unprincipled dealers turned to stealing pets. Their boldness and carelessness trapped them.

As more and more "pet-napping" cases turned up, there came to Congress also descriptions of stomach-turning conditions within dealers' compounds. Eyewitnesses told

of seeing dead and dying dogs mixed in with live ones in conditions of indescribable filth. Such testimony about this \$30 million business prompted passage of the Laboratory Animal Act of 1966. This legislation had more than 50 sponsors.

Administration of the act was given to the animal health division of the Department of Agriculture's Research Service. Dealers and purchasers were licensed and required to conform to Agriculture's standards of human treatment of dogs, cats, hamsters, primates, rabbits and guinea pigs.

More than 110 dealers went out of business during the first three years of the program. Licenses of some of the larger dealers have been revoked. Agents have been cursed, threatened and shot at. But even so, the act did not go far enough. There were huge loopholes. And it has been handicapped by lack of funds to employ more inspectors—most of whom are veterinarians and have many other Agriculture Department duties within the states where they are stationed.

Though the act has no authority over care of animals actually being used in research, some institutions have declared the animals "in research" and the moment of arrival. This clearly frustrates the intent of the act to improve conditions of the animals while awaiting research.

More federal authority was needed. In 1968 help came from an unexpected source. A 43-year-old GOP freshman representative from Norfolk, Va., introduced legislation that filled the bill. Rep. G. William Whitehurst would extend the mantle of enlightened care to animals actually undergoing research. But what's more, he asked that the same standards apply to animals in circuses, zoos and the pet trade.

Humanitarians soon learned that it was not only Bill Whitehurst they had to thank, but his wife, Jennette. "I told the people at the Norfolk SPCA, where I have helped with humane education, that I'd try to lend a hand when we got to Washington," she said the other day.

Whitehurst's bill actually was a beefing up of the "pet-napping" Act and was referred to the House Agriculture Committee, whose chairman has repeatedly shown himself a friend of animals, Texan W. R. Poage has been the key man on the House side on both the humane slaughter and "pet-napping" bills.

Testimony, presented this June before Rep. Graham Purcell's subcommittee, lifted once again the curtain of secrecy on unspeakable conditions among the creatures that perform, amuse and give their lives to man.

"We, who worked there, were always pleased when some animal died to be out of a miserable life," said June W. Badger of Middleburg, Va. She told the committee of conditions in some of the circuses and zoos for which she had worked in the last 19 years. Cramped, unventilated cages, starvation, sadistic punishments. A litany of misery.

The arrival from South and Central America and shipment to pet wholesalers of crates of birds and monkeys were described by Mrs. Christine Stevens.

She is the wife of Roger Stevens, president of the Kennedy Center for the Performing Arts and the government's former cultural chief. Mrs. Stevens is president of the Animal Welfare Institute and secretary of the Society for Animal Protective Legislation.

**IMPORTED ANIMALS**

She described wretched conditions of animals that Custom inspectors have overlooked. (They are charged with checking on condition of imported animals.) She told of continued conditions of cramped laboratory housing and of the inhumane environment in many municipal and roadside zoos. Quoting Dr. Desmond Morris, author of the "Naked Ape," she said, "If zoos are to sur-

vive the 20th century, they will have to reform." She introduced into the record a letter in behalf of the Whitehurst bill from Virginia McKenna and Bill Travers, stars of the film "Born Free" and patrons of the Captive Animals Protection Society.

The arrival of dogs and cats at animal auction sales was described by Frank McMahon, field director of the Humane Society of the United States. "I've seen them chained within the trunks of cars. I've seen them jammed in crates and cages. I've seen them sold by the pound." Humane agents of local societies are given rough treatment, he said and under the existing federal law these auctions are exempt from regulation.

The legislation now speeding toward the congressional deadline embodies many of the suggestions made by the men and women who know the problem first hand. Auctions are included. Animal categories have been broadened. Fines for resisting agents have been stiffened. But most important, the Agriculture Committee called for the use of appropriate pain-killers for research animals whenever possible.

(When Agriculture sets the standards for humane handling many humanitarians trust that life-time caging of such research animals as dogs will be eliminated.)

Some of the additions to the Whitehurst bill were called for in bills introduced by Rep. Thomas S. Foley, D-Wash., and in the Senate by Warren Magnuson, D-Wash., Alan Cranston, D-Calif., and William G. Spong, D-Va. When the bill was favorably discharged from the House Agriculture Committee, it bore the name of each member. An exact copy was introduced in the Senate by Robert J. Dole, R-Kan. Hearings by Senator Philp A. Hart's Commerce sub-committee are expected any day.

Even with the evaporation of much of the scientific community's opposition to lab animal legislation and even with the good chance that this measure will miraculously pass this session, there are other hurdles. One is money.

The burden on the Department of Agriculture will be heavier, making necessary the employment of more inspectors. These men, also, have the added duty in coming years of policing the horse shows to see that no "walking horse" brought across state lines has been "sored" to make it step high, wide and handsome. The famous Tydings "walking horse" bill is now awaiting Presidential signature. Sen. Joseph Tydings, D-Md., sponsored it in this session of Congress.

As this session adjourns, left at the post are at least 10 other animal protection measures; air transportation regulations, cessation of shooting wolves and other animals from airplanes over federal lands, elimination of use of agonizing poisons in the government's predator control programs, better conditions at the ports of entry such as Miami. The list is long—but the abuse and suffering have gone on a long time, too.

But at last, what has been described as the "silent lobby" has found its voice. Or could it be that man, for a change, is listening to voices other than his own?

**THE PRESIDING OFFICER.** The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 19846) was ordered to a third reading, was read the third time, and passed.

**RELIEF OF ARTHUR JEROME OLINGER**

**Mr. MANSFIELD.** Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 703.



